

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

#### **Call to Order:**

**CHAIRMAN RON STOKER**, on January 15, 2009 at 8:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

#### **Members Present:**

Rep. Ron Stoker, Chairman (R)  
Rep. Ken Peterson, Vice Chairman (R)  
Rep. Arlene Becker (D)  
Rep. Gerald Bennett (R)  
Rep. Anders Blewett (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. David Howard (R)  
Rep. Krayton Kerns (R)  
Rep. Margaret MacDonald (D)  
Rep. Edith (Edie) McClafferty (D)  
Rep. Mike Menahan (D)  
Rep. Michael More (R)  
Rep. Keith Regier (R)  
Rep. Diane Sands (D)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Deborah Kottel, Vice Chairman (D).

**Members Absent:** None.

**Staff Present:** Jennifer Eck, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

#### **Committee Business Summary:**

Hearing & Date Posted: HB 36, 1/12/2009

**HEARING ON HB 36**

**Opening Statement by Sponsor:**

00:00:52 REP. KENDALL VAN DYK (D), HD 49, opened the hearing on  
HB 36, Revise law on use of force and self-defense.  
[EXHIBIT\(juh09a01\)](#)

00:09:03 Chairman Stoker  
00:09:07 Rep. Van Dyk  
00:09:09 Chairman Stoker

**Proponents' Testimony:**

00:09:14 Rep. Chas Vincent (R), HD 2  
00:10:20 Chairman Stoker  
00:10:28 Hal Harper, Governor Schweitzer's Office  
00:11:13 Chairman Stoker  
00:11:28 Mark Murphy, Yellowstone County Attorney's Office  
[EXHIBIT\(juh09a02\)](#)

00:12:26 Chairman Stoker  
00:12:36 Mr. Murphy  
00:15:08 Chairman Stoker  
00:15:14 Jim Cashell, Gallatin County Sheriff  
00:18:08 Chairman Stoker  
00:18:21 Pam Bucy, Montana Association of Chiefs of Police,  
Montana Police Protective Association  
00:19:28 Chairman Stoker  
00:19:40 Brent Light, Assistant Attorney General  
00:20:06 Chairman Stoker  
00:20:18 Jim Smith, Montana County Attorney's Association and  
the Montana Sheriffs and Peace Officers Association  
00:21:13 Chairman Stoker  
00:21:22 Sheriff David Castle, Cascade County  
00:21:50 Chairman Stoker

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:22:26 Rep. Howard  
00:22:46 Mr. Murphy  
00:22:48 Rep. Howard  
00:23:19 Mr. Murphy  
00:24:21 Rep. Howard

00:24:23 Chairman Stoker  
00:24:24 Rep. Howard  
00:24:30 Chairman Stoker  
00:24:37 Rep. Howard  
00:24:56 Rep. Van Dyk  
00:26:06 Rep. Howard  
00:26:08 Rep. Kerns  
00:26:17 Sheriff Cashell  
00:26:21 Rep. Kerns  
00:26:30 Sheriff Cashell  
00:26:34 Rep. Kerns  
00:26:47 Sheriff Cashell  
00:27:18 Rep. Kerns  
00:27:36 Sheriff Cashell  
00:27:49 Chairman Stoker  
00:28:01 Rep. Peterson  
00:28:17 Mr. Murphy  
00:28:19 Rep. Peterson  
00:28:47 Mr. Murphy  
00:29:50 Rep. Peterson  
00:30:41 Mr. Murphy  
00:31:53 Rep. Peterson  
00:32:07 Mr. Murphy  
00:32:40 Rep. Peterson  
00:32:49 Mr. Murphy  
00:33:25 Rep. Peterson  
00:33:39 Mr. Murphy  
00:34:04 Rep. Peterson  
00:34:07 Mr. Murphy  
00:34:10 Rep. Peterson  
00:34:20 Mr. Murphy  
00:34:21 Rep. Peterson  
00:34:23 Chairman Stoker  
00:34:33 Rep. Menahan  
00:34:44 Mr. Murphy  
00:34:45 Rep. Menahan  
00:35:24 Mr. Murphy  
00:35:27 Chairman Stoker  
00:35:43 Mr. Murphy  
00:35:45 Chairman Stoker  
00:35:54 Rep. Menahan  
00:35:57 Mr. Murphy  
00:35:58 Rep. Menahan  
00:36:42 Mr. Murphy  
00:38:01 Rep. Menahan  
00:38:09 Chairman Stoker  
00:38:11 Rep. Menahan  
00:38:57 Mr. Murphy  
00:41:17 Rep. Menahan  
00:41:21 Chairman Stoker

00:41:26 Rep. Menahan  
00:41:51 Mr. Murphy  
00:42:03 Chairman Stoker  
00:42:07 Rep. Menahan  
00:42:45 Mr. Murphy  
00:42:47 Rep. Menahan  
00:43:44 Mr. Murphy  
00:43:45 Rep. Menahan  
00:44:28 Mr. Murphy  
00:45:28 Chairman Stoker  
00:45:32 Rep. Menahan  
00:45:35 Chairman Stoker  
00:45:38 Rep. Sands  
00:46:07 Mr. Murphy  
00:47:08 Rep. Sands  
00:47:22 Mr. Murphy  
00:48:05 Chairman Stoker  
00:48:09 Rep. Menahan  
00:48:26 Mr. Light  
00:48:33 Rep. Menahan  
00:49:05 Mr. Light  
00:49:34 Rep. Menahan  
00:49:47 Mr. Light  
00:49:50 Rep. Menahan  
00:50:04 Mr. Light  
00:50:14 Rep. Menahan  
00:50:16 Chairman Stoker  
00:50:22 Rep. Peterson  
00:50:54 Mr. Light  
00:50:58 Chairman Stoker  
00:51:32 Mr. Light  
00:51:46 Chairman Stoker  
00:52:04 Mr. Light  
00:52:25 Chairman Stoker  
00:52:57 Mr. Light  
00:53:15 Chairman Stoker  
00:53:25 Mr. Light  
00:53:34 Chairman Stoker

**Closing by Sponsor:**

00:53:49 Rep. Van Dyk

**Additional Business:**

00:59:17 Chairman Stoker  
00:59:21 Rep. Van Dyk  
00:59:30 Chairman Stoker  
01:00:57 Rep. Howard  
01:01:12 Chairman Stoker

01:01:41 Rep. Howard  
01:01:45 Chairman Stoker  
01:02:16 Rep. Driscoll

**ADJOURNMENT**

01:02:19 Adjournment

JENNIFER ECK, Secretary

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Additional Documents:

**EXHIBIT ([juh09aad.pdf](#))**